

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED

DISTRICT COURT OF GUAM

FEB - 7 2006

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00073

DATE: February 6, 2006

HON. LARRY ALAN BURNS, Designated Judge

Law Clerk: NONE PRESENT

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez

Hearing Electronically Recorded: 2:22:22 - 3:19:00

CSO: J. McDonald / J. Lizama

***** APPEARANCES *****

DEFT: EDWARD DONALD FEELEY

ATTY: HOWARD TRAPP

(X) PRESENT () CUSTODY () BOND (X) P.R.

(X) PRESENT (X) RETAINED () FPD () CJA APPOINTED

U.S. ATTORNEY: JEFF STRAND

AGENT: PERRYN COLLIER, FBI

U.S. PROBATION: ROBERT CARREON

U.S. MARSHAL: W. GRAY / C. MARQUEZ

INTERPRETER: _____ () SWORN LANGUAGE: _____

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: 15

Total offense level: 21

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Recommended a sentence of probation.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Agreed with the recommendation of the probation officer for a sentence which includes incarceration.

(X) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Dr. Pamina Hofer, called by defense, sworn and examined.

Government moved to dismiss the Indictment and Superseding Indictment related to this case (CR-05-00064). No objections - Granted. No further written order will be forthcoming.

The Court Ordered the probation officer to notify the local authorities regarding the conviction of the defendant.

SENTENCE: CR-05-00073

DEFENDANT: EDWARD DONALD FEELEY

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 37 MONTHS.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL OFFENSE.
2. DEFENDANT SHALL REFRAIN FROM THE USE OF A CONTROLLED SUBSTANCES AND SUBMIT TO A DRUG TEST AT LEAST TWICE A MONTH, BUT UP TO EIGHT TIMES A MONTH IF THE PROBATION OFFICER SEES THE NEED.
3. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
6. THE DEFENDANT, CONVICTED OF THIS OFFENSE AS DESCRIBED IN 18 U.S.C. §4042(c)(4), SHALL REPORT THE ADDRESS WHERE HE WILL RESIDE AND ANY SUBSEQUENT CHANGE OF RESIDENCE TO THE U.S. PROBATION OFFICE RESPONSIBLE FOR SUPERVISION, AND SHALL REGISTER AS A SEX OFFENDER IN ANY STATE WHERE HE RESIDES, IS EMPLOYED, CARRIES ON A VOCATION, OR IS A STUDENT. DEFENDANT NEED NOT CHARACTERIZE IT AS A REGISTERED SEXUAL OFFENSE, WHICH WILL BE DETERMINED BY THE AUTHORITIES. DEFENDANT DOES NOT NEED TO CHARACTERIZE IT AS A REGISTERED SEXUAL OFFENSE, WHICH WILL BE DETERMINED BY THE AUTHORITIES.
7. DEFENDANT SHALL PARTICIPATE IN A SEX OFFENDER TREATMENT PROGRAM APPROVED BY THE U.S. PROBATION OFFICE. THE DEFENDANT WILL INCUR THE COSTS ASSOCIATED WITH TREATMENT BASED ON ABILITY TO PAY.
8. DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM APPROVED BY THE U.S. PROBATION OFFICE. THE DEFENDANT WILL INCUR THE COSTS ASSOCIATED WITH TREATMENT BASED ON ABILITY TO PAY.
9. DEFENDANT IS RESTRICTED FROM EMPLOYMENT INVOLVING DIRECT CONTACT WITH MINORS UNDER THE AGE OF 18, WITHOUT PRIOR PERMISSION OF THE UNITED STATES PROBATION OFFICER.
10. DEFENDANT SHALL NOT COME WITHIN 100 FEET OF MINOR CHILDREN UNDER THE AGE OF 18 WITHOUT PRIOR PERMISSION OF THE UNITED STATES PROBATION OFFICER, WITH THE EXCEPTION OF PUBLIC AREAS PROVIDED THE DEFENDANT DOES NOT INTENTIONALLY APPROACH MINOR CHILDREN.
11. DEFENDANT SHALL BE SUBJECT TO SEARCH BY THE U.S. PROBATION OFFICER OR ITS DESIGNATED AGENT, OF ANY ELECTRONIC MEDIA STORAGE DEVICE OR INTERNET ACCESS DEVICE, USED BY THE DEFENDANT, TO ENSURE HE HAS NOT VIEWED OR POSSESSED CHILD PORNOGRAPHY.

ALL FINES WERE WAIVED BY THE COURT. DEFENDANT WAS ORDERED TO PAY TO A SPECIAL ASSESSMENT FEE OF \$100.00.

COURT STATED THE JUSTIFICATION OF THE SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHALS SERVICE.

Courtroom Deputy: 